
From: Rukavina, Davor
Sent: Thursday, February 16, 2023 8:40 PM CST
To: Silverstein, Paul; Scott
CC: Clarke, Brian; Guffy, Philip; Berghman, Thomas
Subject: RE: Goodman

Paul, tomorrow will be very tough for me, until the late afternoon/early evening. I am open all Saturday. Monday and Tuesday are out for me.

The Trustee is going to go after the Prosperity Bank money right away. I think the Bank may give it back. As part of the Trustee's negotiation with you and the Bank regarding the funds, he would like to understand the Indenture Trustee's/your claim that the funds transferred/recovered would be your *perfected* collateral. In particular, I understand that the funds, which began in a money market account, were not subject to an account control agreement, and I don't think anyone can have a perfected lien in a Chapter 5 (although maybe TUFTA is a business tort).

We're not looking to pick a fight and are not arguing one way or the other yet; just trying to assess the argument as part of sitting down with you and negotiating something regarding the funds in question.

Thank you

Davor Rukavina, Esq.

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From: Silverstein, Paul <PaulSilverstein@andrewskurth.com>
Sent: Thursday, February 16, 2023 6:39 PM
To: Rukavina, Davor <drukavina@munsch.com>; Scott <scott@scottseidel.com>
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Subject: Goodman

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Scott/Davor: do you have any time tomorrow (Friday) to discuss above? Let me know when please.
Thanks.

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